

LOSS PREVENTION SUBCOMMITTEE
January 21, 2004
MEETING MINUTES

MEMBERS ATTENDING

Gary Andrews	Department of Corrections
Andreta Armstrong	Department of Licensing
Kathy Gastreich	Department of Corrections
Linda Ramsey	Military Department
Stephen Simmons	Department of Social and Health Services
Jim Smego	Department of Natural Resources
Tom Wendel	Office of the Attorney General

Absent

Dennis Anderson	Department of Health
Clifford Frederickson	Grays Harbor College
Bill Henselman	Department of Transportation
Larry Keller	Department of Ecology
Carole Mathews	Labor & Industries
Jolene Bellows	OFM, Risk Management Division
John Nicholson	OFM, Risk Management Division

Guests

Lisa Sutton	Office of the Attorney General
Jennie Adkins	Department of Corrections

Gary Andrews called the meeting to order.

Member and staff introductions.

Minutes from the October 22, 2003, meeting were approved with a clarification about page 2, section #6. Kathy Gastreich emphasized that the recommendation indicated that defensive driver training *is required* for an SUV driver traveling the 1000-mile threshold over a 6-month period.

A brief overview was provided on the December 2003, RMAC meeting, where the LPSC driver/vehicle recommendations for the SAAM manual were approved. The recommendations that have personnel implications have been submitted to Washington Works for consideration in the changes being made to the civil service system.

Update – vehicle accident focus

Postponed until next meeting.

Employment claims focus – what areas should the committee work on?

Discussion was initiated on the new 2004 loss prevention focus – employment-related claims. Lisa Sutton, Tort Division, AG’s Office, briefed everyone on the number and type of employment-related claims filed by state employees. Retaliation claims are hard to dismiss because they can be challenged as adverse action. When a retaliation claim is filed there is a period of time when a manager is vulnerable. It was also observed that sex and retaliation claim numbers are very close.

- **Adverse Actions** - Another type of employment action that does not show up in the statistics is adverse actions. These claims look a lot worse as they pinpoint employee deficiencies. We want to be sure we don’t limit the type of discriminations that are addressed.
- **Performance evaluations** that are not honest create a problem. It is important that performance evaluations during the 6-month probationary period have follow-up including:
 - 1) A meeting with the employee about his/her progress within 3 months (documented).
 - 2) A 6-month review meeting to evaluate the employee’s current progress.

The “reward” mechanism in the new civil service system make it difficult for managers to reward one employee and not another.

There is an OFM website of sample performance evaluations. Lisa Sutton offered to send the link to the committee members.

The LPSC identified the following topics to address for the employment practices focus.

SUBJECT	LOSS PREVENTION STRATEGIES
Sex Discrimination	
Retaliation	
Training	
Evaluations, Employee Reviews <ul style="list-style-type: none"> • Effectively written policies that are updated annually. • Effectively implemented policies that are monitored. • Supervisor/manager accountability for conducting evaluations. Accountability is critical to making changes that work. • Policies, procedures and 	

SUBJECT	LOSS PREVENTION STRATEGIES
<p>recommendations with guiding principles would help people understand the need for “balance”.</p> <ul style="list-style-type: none"> • Poor quality evaluations or lack of an evaluation is almost always a factor in employee claims. Managers all do things differently and the performance evaluation usually comes after the fact. 	
<p>Administrative Process for Employee Claims</p> <ul style="list-style-type: none"> • Mandatory Conflict Resolution – Develop an agreement for mandatory conflict resolution. Look at the bigger picture, as “mini formats” don’t deal with all the pieces. A “big picture view is easier for developing strategies. • A process is needed for all agencies. Each agency should know and understand their process and coordinate effectively as needed. 	
<p>Hiring Process</p> <ul style="list-style-type: none"> • The hiring process, reference checks, and how to get the correct information from the previous employer would be valuable training for managers. It is getting harder all the time to get straightforward and honest information about a potential employee because there is a small amount of room for a lawsuit. 	
<p>Tools for Supervisors</p> <p>There are tools that supervisors need to have to do their best work in this area such as:</p> <ul style="list-style-type: none"> • Lessons learned from larger agencies could help smaller agencies avoid problems, thus reducing claim numbers. 	

SUBJECT	LOSS PREVENTION STRATEGIES
<ul style="list-style-type: none"> • Early resolution process • Hiring cases – DOP keeps records for 2 years only. What is the reason and would it be helpful to have them longer? • Quality of Investigations – it would be helpful to get a tool on what an agency can do when they have to look deeper. 	

General Discussion. There was discussion about agency reluctance to challenge the EEOC and others.

- If mediation or dispute resolution was mandatory as a defense, agencies may feel they are in a position to give something away. Making it mandatory may create issues.
- Court costs are so high that sometimes agencies feel compelled to go through mediation to avoid the cost.
- There was a question that often employment cases on summary judgment are better suited for federal court where the issues are better understood.
- Qualifications of the mediator or decision maker is also very important.

How can the committee best get where it wants to be in the time frame?

- Develop a best practices forum or sample policies & procedures – create opportunities for interaction from agencies to learn from each other through a statewide process.
- Look at Civil Service Reform items as far as collective bargaining changes to give flexibility and terms of degree to increase or minimize risk.
- Develop Administrative Services not limited to mediation - evaluate other alternatives or strategies.
- Prepare package of recommendations for RMAC.
- Explore the questions: What kind of new risk does civil service reform create?
- Identify other groups that should be included in this process
 - Internal review process consultant

It was suggested that a spreadsheet be made with a list of the problems and a column for solutions or loss prevention strategies for use by the LPSC.

There was discussion on the type of vehicle most effective for needed change:

- Legislation
- Policy manual similar to SAAM
- Suggestions from John Nicholson for additional items

Assignments for April meeting:

- 1) Chairs and Co-chairs confer with John Nicholson on committee's progress to date.
- 2) Check with DOP's HELP Academy trainers to determine if there are other sources of employment issues.
- 3) Contact other states to compare their programs and approaches with ours. There may be things that have been tried and are effective in other states that would be effective here. Jolene was requested to do a survey and provide findings.
- 4) Ask someone from DOP or Washington Works to attend the April meeting and discuss some of the issues listed above.

The meeting adjourned at 3:15 p.m.

The next meeting will be Wednesday, April 14, 2004.